

NATIONAL CANNERS ASSOCIATION



Information Letter



FOR N. C. A. MEMBERS

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Labeling Tomato Pulp Containing Paprika or Pimiento

In an item in Information Letter 167, attention was directed to certain precautions that canners should exercise in buying, and reference was made to preparations offered to canners of tomato products for improving the color of their pack. The addition of paprika to tomato catchup is permitted by the Bureau of Chemistry on the ground that it is a spice. Incidentally, the color of the catchup is improved. Pimiento is very similar to paprika, and doubtless it can be used for the same reason.

The Bureau of Chemistry holds, however, that tomato pulp is not supposed to be spiced, hence the addition of any such material as pimiento constitutes adulteration if its presence is not declared on the label.

Navy to Buy Canned Foods

The Navy Department is asking for bids on supplies as follows: 220,000 pounds canned prunes under Schedule 5824, to be opened October 12; 280,000 pounds canned pumpkin under Schedule 5825, to be opened October 19; 200,000 pounds canned raisins under Schedule 5826, to be opened October 5; and 450,000 pounds canned salmon, under Schedule 5830, to be opened October 12. Copies of schedules for submitting bids may be obtained from the Bureau of Supplies and Accounts, Navy Department, Washington, D. C.

Conference Called on Western Trunk Line Rate Revision

A general conference on the revision of class rates in Western Trunk Line Territory will be held in Chicago on September

10, it has been announced by the Intersate Commerce Commission. Committees of carriers and shippers have been endeavoring for more than a year to work out satisfactory adjustments, but without making progress on many of the points at issue. The Commission now believes that without precluding continuance of these negotiations, it should proceed to take action looking to the early assignment of these proceedings for hearings, and has called the conference in Chicago between the interested parties and representatives of the Commission to discuss:

- (a) What proceedings should be consolidated.
- (b) Whether the scope of such proceedings is sufficiently broad or whether additional proceedings should be instituted.
- (c) Whether other than class rate phases of pending complaints should be treated separately on a different record.
- (d) Plans for developing a complete record as expeditiously and economically as possible.

Canners' Crops Forecasts

The Bureau of Agricultural Economics has issued, under date of August 1, estimates of the production of tomatoes, snap beans, and corn for manufacture, and preliminary estimates of the acreage of cucumbers for pickles and cabbage for kraut.

The figures on acreage, yield per acre, and production of tomatoes, sweet corn, and snap beans follow:

	<i>Tomatoes</i>	<i>Corn</i>	<i>Beans</i>
Acreage:			
1924acres	284,070	302,790	25,030
1925acres	338,400	370,520	32,090
1926 (preliminary) acres	234,250	300,420	25,450
Yield per acre:			
1924tons	3.8	1.7	1.8
1925tons	5.0	2.5	2.1
1926 (indicated) tons	4.7	2.3	2.3
Production:			
1924tons	1,088,300	527,800	44,300
1925tons	1,677,700	925,500	66,400
1926 (forecast) tons	1,103,900	704,600	59,100

The condition of tomatoes, sweet corn and snap beans on August 1, as compared with July 15, 1926, August 1, 1925, and the nine-year average for August 1 is reported as follows:

	<i>Tomatoes</i> <i>Per cent</i>	<i>Corn</i> <i>Per cent</i>	<i>Beans</i> <i>Per cent</i>
August 1, 1926.....	76	77	74
July 15, 1926.....	79	80	78
August 1, 1925.....	80	88	82
August 1, nine-year average...	78	79	79

The preliminary estimate of the 1926 acreage of cabbage for kraut and cucumbers for pickles, and the condition of these crops on August 1 and comparative dates, follows:

<i>Acreage:</i>	<i>Cabbage</i>	<i>Cucumbers</i>
1922 Acres	15,610	52,830
1923 Acres	17,610	66,010
1924 Acres	11,210	85,410
1925 Acres	8,690	100,130
1926 (preliminary).... Acres	10,030	68,200

<i>Condition:</i>		
August 1, 1926 per cent	83	78
July 15, 1926 per cent	85	71
August 1, 1925 per cent	81	85
August 1, 9-year av. per cent	79	76

Eleventh Week of Million-Car Loadings

Revenue freight loadings for the week ended August 7 totaled 1,083,199 cars, an increase of 30,681 cars above the same week last year. It was the eleventh week this year that loadings have exceeded the million car mark. The total for the week of August 7, however, was a decrease of 19,391 cars below the preceding week.

The railroads of the country during the first six months this year handled the greatest freight traffic they were ever called upon to move during any corresponding period, according to a report issued by the Bureau of Railway Economics. This freight traffic amounted to 227,116,889,000 net ton-miles, exceeding by 1,632,421,000 net ton-miles or seven-tenths of one per cent the best previous record, which was made during the corresponding period in 1923.

Percentage of 1925 Tomato Pack in Cannery Hands

The per cent of the 1925 pack of tomatoes in cannery hands on July 15, 1926, is given in a statement issued by the Bureau of Agricultural Economics, based on reports received from 366 canners. The acreage represented by these 366 canners (207,-

946 acres) was a little over 61 per cent of the total acreage (338,400) in 1925.

The following statement gives the figures, by states, as issued by the Bureau:

State	Number of reports	Acreage represented by firms reporting		Per cent of 1925 pack in cannery's hands July 15, 1926
		1925 <i>Acrea</i>	1926 <i>Acrea</i>	<i>Per cent</i>
Arkansas	11	6,735	3,844	1
California	9	14,355	13,012	15
Colorado	3	1,630	910	5
Delaware	13	10,090	6,353	20
Illinois	5	1,625	790	3
Indiana	54	63,973	39,895	16
Iowa	8	1,355	1,055	2
Kentucky	8	4,140	1,515	9
Maryland	77	20,995	10,869	10
Michigan	8	710	667	11
Missouri	27	27,809	17,558	3
New Jersey	10	5,385	3,715	20
New York	15	10,313	6,882	29
Ohio	10	1,901	1,618	6
Pennsylvania	12	1,077	767	18
Tennessee	15	8,426	4,778	6
Utah	10	11,732	3,510	23
Virginia	49	10,075	3,561	15
Other States	22	2,560	1,459	7
Total	366	207,946	122,758	12

Italian Tariff Classification of Salmon

In view of reports to the effect that in certain Italian customhouses duty is being levied on all kinds of salmon except red salmon, on the ground that only red salmon is properly designated as true salmon and therefore entitled to entry free of duty under the Italian tariff, the Bureau of Foreign and Domestic Commerce, after consultation with the Bureau of Fisheries, has forwarded to the Rome Office of the Bureau of Foreign and Domestic Commerce several government publications which show the biological classification of the several varieties of *Onchorynchus*, which are packed, sold, and consumed as salmon. In addition photostat copies of pages from trade papers which show the general grouping of the various kinds of salmon under the general head of salmon, have been sent. It is believed that

the evidence furnished will be sufficient to cause the proper classification of all kinds of salmon in the same class.

Trade-Mark Registration Decision

Registration of a mark consisting of a green cross within a circle and the words "Green Cross" as a trade mark for alimentary paste products, cheese and tomato sauce has been refused by the Patent Office on the ground that this mark is so similar to one consisting of a red cross and the words "Red Cross" as to cause confusion in the trade. In his decision, Assistant Commissioner Moore stated:

"It is believed that the Greek cross is the salient and dominant feature of each of the marks. The words 'Red Cross' and 'Green Cross' are merely descriptive of the color of the respective marks. The pictorial representation and the words, in each case, convey to the mind, broadly, the same object of thought.

"While there is of course a difference between a red cross and a green cross, yet it is not at all likely that this difference would be carried in the mind of the public; and even if so, the members of the public would be apt to think that the two marks are of common ownership when applied to goods of the same descriptive properties."

Record-Breaking Daily Pineapple Pack

Running two shifts daily, the Hawaiian Pineapple Company during the week of July 11 to 17, inclusive, packed 511,643 cases of pineapple. The daily pack was as follows:

	<i>Cases</i>
July 11	70,273
July 12	71,393
July 13	71,522
July 14	73,552
July 15	74,867
July 16	73,343
July 17	76,693
Total.....	511,643

On July 20 the company in ten hours packed 35,529 cases, which would have given over 78,000 cases had it run two shifts at the same rate for the twenty-two hour period.

Just by way of comparison, it is interesting to recall that the entire year's pineapple pack of all companies in Hawaii in 1906 was 84,300 cases.

Proposed Freight Rate Change Suspended

The Interstate Commerce Commission has suspended from August 15 until December 13, 1926, the operation of certain schedules as published in Supplement No. 12 to Agent H. G. Toll's tariff I. C. C. No. 1164, which propose to eliminate the present commodity rate on canned salmon, carloads, from the Pacific Coast to Knoxville, Tenn., resulting in the application of higher commodity rates with slightly lower carload minimum weight. The case is assigned for hearing September 30 at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Hillyer.

Constitutionality of Flexible Tariff to be Argued

The constitutionality of the flexible provision of the Tariff Act is attacked in a brief filed by the National Council of American Importers and Traders, Inc., on the ground that Congress cannot under the constitution delegate such powers to the Tariff Commission and to the President of the United States.

The case will be argued before the United States Court of Customs Appeals on October 16, and then will probably be carried to the United States Supreme Court for review.

Commerce Yearbook

The Department of Commerce has just published the "Commerce Yearbook" for 1925, a volume of nearly 800 pages illustrated with numerous charts and maps. Besides furnishing a resume of production, employment, domestic trade and prices, it contains sections devoted to agricultural products and food-stuffs, fuel and power, construction and construction materials, machinery, motor vehicles, railway equipment, electrical apparatus, textiles, rubber, leather and leather products, paper and printing, and chemicals. There are also discussions of transportation, finance and banking and foreign trade, along with economic surveys of the principal foreign countries. The Yearbook is sold at \$1 per copy by the Superintendent of Documents, Government Printing Office, Washington, D. C., or may be purchased through any district or cooperative office of the Bureau of Foreign and Domestic Commerce.

Tax Appeals Decision

The Board of Tax Appeals has rendered an opinion that borrowed capital in the form of notes can not properly be included in a taxpayer's statement of invested capital.

Criminal Provisions of Federal Bankruptcy Law Tightened

At its last session Congress passed important amendments to the federal bankruptcy law in respect to the provisions known as Section 29, or the criminal section of that law. These amendments were approved on May 27 to become effective August 27, 1926.

On the 27th of this month, therefore, there will go into effect these new provisions of the federal bankruptcy law, chief among which is an increase in the statutory period of limitation from one to three years. One of the greatest hindrances, under the law as it existed, to the proper enforcement of the provisions of the bankruptcy law, has been the fact that prosecution was barred after one year from the commission of the offense.

Other changes in the law relate chiefly to increased penalties and penalizing other acts. The law, as it has existed, provides a penalty for a person who while a bankrupt or after his discharge conceals from his trustee any of the property belonging to his bankrupt estate. It has been necessary for a conviction under that provision of the law that a concealment shall have been made by the bankrupt himself, or by an aider and abetter, and that it shall have occurred after the trustee was appointed and qualified; and, if effected previously, that it shall have continued until the trustee was appointed. Under the law now to become effective this provision applies to any person who effects the concealment and includes the concealment from the receiver, United States marshal, or other officer of the court, charged with the control or custody of the property, as well as the trustee. It also covers the case of a person who conceals property of a bankrupt from the creditor in composition, or such cases as settlements are made by agreements with creditors.

Under the new provisions of the law penalties are added for any officer or agent of any person or corporation who in contemplation of bankruptcy with intent to defeat the operation of the act, conceals or transfers any of the property of the debtor. Penalty is also provided for a person who conceals, destroys or mutilates any book, document or record affecting or relating to the property or affairs of the bankrupt, whether done after the filing of the petition or in contemplation of bankruptcy.

Another new provision of the law is that it is made the duty of any referee, receiver or trustee who has grounds for believing that an offense under the bankruptcy act has been committed,

to report the matter to the United States Attorney, and it becomes the duty of such Attorney to investigate and take further appropriate action.

Under the new law the provision of punishment for a person who has appropriated to his own use, embezzled, or otherwise spent, property which came into his charge as trustee, is expanded to apply also to receivers, custodians, and other officers of the court, as well as trustees.

Increased Rates from Wisconsin Approved

The Interstate Commerce Commission has found that the proposed increased rates on canned goods, in carloads, from La Crosse, Wisconsin, Winona, Minnesota, and points grouped therewith to Danville and Springfield, Ill., St. Louis, Mo., and points taking the same rates are justified, and the Commission has accordingly vacated its earlier order suspending the operation of these proposed rates until September 12, 1926.

The carriers in their briefs stated that the proposed increased rates were only a temporary measure preliminary to a contemplated revision of rates on canned goods from the entire Wisconsin territory to a fifth-class basis, and that the primary reason for the increase was to remove claims of discrimination and violation of the long-and-short-haul provision of the fourth section from Chicago, Ill., and intermediate Wisconsin points. Representatives of shippers at Green Bay, Wisconsin, appeared in support of the proposed increased rates.

The protestants—The Evaporated Milk Association, Wisconsin Cannery Association, and National Pickle Packers Association—contended that the present rates are reasonable and that the proposed increases would be excessive in comparison with rates on other articles, and in view of the importance of the canning industry to Wisconsin.

The Commission in finding that the proposed increases were justified stated:

"Compared with rates on canned goods applying generally from Wisconsin to other destination territory and with those in effect generally in central territory, the proposed rates do not appear unreasonable. Although respondents make mention of a further contemplated revision of rates on canned goods in this territory, the issues in this case are limited to the suspended schedules and our finding is not to be understood as extending beyond the issues presented to us for determination on this record."